

07-07-05

RCE
ITN

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

| | |
|------------------------|---------------------|
| Application No. | 10/664,463 |
| Filing Date | September 17, 2003 |
| First Named Inventor | Hegde <i>et al.</i> |
| Group Art Unit | 1626 |
| Examiner Name | R. T. Shiao |
| Attorney Docket No. | 61,101B |
| Express Mail Label No. | EV341028770US |

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application. **Note:** 37 CFR § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

1. Submission required under 37 CFR § 1.114

a. Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on _____
(any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other: _____

b. Enclosed

- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other: _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR § 1.17(i) required)
- b. ☐ Other: _____

3. Fees (The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 04-1529.
 - i. ☒ RCE fee of \$790 required under 37 CFR § 1.17
 - ii. ☐ Extension of time fee (37 CFR §§ 1.136 and 1.17)
 - iii. ☐ Other: _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

NEW CORRESPONDENCE ADDRESS

☒ Customer Number 25212 or ☐ Correspondence address below

NAME

ADDRESS

CITY

STATE

ZIP CODE

SIGNATURE OF ATTORNEY/AGENT REQUIRED

SIGNATURE

NAME

REGISTRATION NO.

DATE

Craig E. Mixon
Craig E. Mixon
32,709
July 6, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.

NAME

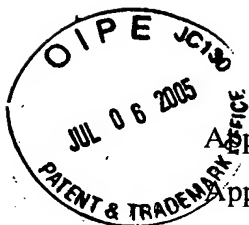
Melanie S. Bradley

SIGNATURE

Melanie S. Bradley

DATE

July 6, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Hegde *et al.*

Application No.: 10/664,463

Filed: September 17, 2003

For: INSECTICIDAL 3-(2,6-DISUBSTITUTED PHENYL)-5-[5-ARYLTHIEN-2-YL]-1,2,4-TRIAZOLES

Group Art Unit: 1626

Examiner: R. T. Shiao

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL WITH SUFFICIENT POSTAGE IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313 ON:

JULY 6, 2005

DATE OF DEPOSIT

MELANIE S. BRADLEY

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

Melanie S. Bradley

SIGNATURE OF PERSON SIGNING CERTIFICATE

July 6, 2005

DATE OF SIGNATURE

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313

Sir:

REPLY SUBMITTED WITH REQUEST FOR CONTINUED EXAMINATION

UNDER 37 C.F.R. §1.114

The applicants request continued examination of the application under 37 C.F.R. §1.114. This request for continued examination is accompanied by the fee set forth in §1.17(e) and contains new arguments in support of patentability in response to the final rejection dated May 9, 2005. The applicants respectfully request reconsideration of the claims 1-21 which are being presented again without amendment.

Claims 1-21 stand rejected under 35 U.S.C. §103(a) over U.S. Patent 6,015,826 (Pechacek *et al.*). The applicants had submitted a Rule 132 Affidavit of Dr. James E. Dripps comparing the activities of four substituted thiophene isomers of the present invention with an unsubstituted version of the same thiophene isomer, which, being the same thiophene isomer, corresponded to the closest prior art compound. The Examiner found the Affidavit unpersuasive because it did not address the different thiophene isomers represented by compounds 120, 121, 125, 126 and 131 of Pechacek *et al.*